UN

UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/295/Add.1
4 April 1997

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Tenth periodic reports of States parties due in 1996

Addendum

Burundi*

[3 March 1997]

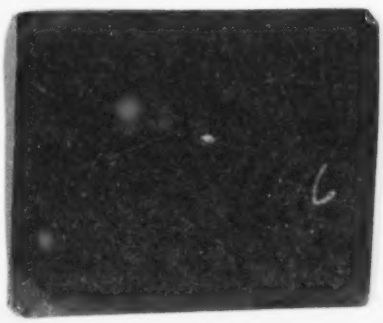
---

* This report contains in a single document the seventh, eighth, ninth and tenth periodic reports of Burundi, due on 26 November 1990, 1992, 1994 and 1996 respectively. For the sixth periodic report of Burundi and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/168/Add.1 and CERD/C/SR.894 respectively.

The annex to the report submitted by Burundi may be consulted in the files of the secretariat.

The information submitted by Burundi in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.16, dated 16 October 1992.

GE.97-16077 (E)



CONTENTS

	Paragraphs
Introduction	1 - 3
I. GENERAL	4 - 13
II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION	14 - 64
A. General legal framework within which racial discrimination is prohibited	14 - 18
B. Information concerning articles 2 to 7	19 - 64
Article 2	19 - 23
Article 3	24 - 25
Article 4	26 - 30
Article 5	31 - 54
Article 6	55 - 57
Article 7	58 - 64
Conclusion	65 - 66

Introduction

1. This report has been prepared in conformity with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, which was ratified by the Republic of Burundi on 12 September 1997. It is organized in conformity with the guidelines contained in document CERD/C/70/Rev.3, dated 23 July 1993.

2. In recent years, the Government of Burundi has been unable to submit regular periodic reports, as it would have wished to do, on account of the deep social and economic crisis besetting Burundi since 1993.

3. Through this report, the Government wishes to reassert its firm resolve to pursue its policy of combating all forms of racial discrimination.

I. GENERAL

4. Burundi, with an area of 27,864 square kilometres, straddles the line dividing east from central Africa and is one of the world's most densely populated countries (300 inhabitants per square kilometre).

5. Burundi has no races or ethnic groups in the strict sense of the word, as the Hutus, Tutsis and Twas who make up its population do not possess distinctive territories, cultures, languages or religions.

6. Burundi has actually been a nation State for several centuries. There is no official label to distinguish the different components of its population, nor has any census so far been organized on an ethnic basis. Even during the colonial period only numerical estimates of the groups referred to above were made.

7. For three years Burundi has been in the throes of a bloody crisis, following the assassination, on 21 October 1993, of the first democratically elected President. An unprecedented, and as yet unresolved social and political upheaval has been under way in Burundi. The whole world has helplessly witnessed the gradual disintegration of the State and the entire social fabric. Large-scale population massacres, violence, crime - a succession of acts drawing their justification from the ideology of genocide - were daily occurrences in Burundi before the change that took place on 25 July 1996.

8. The current Government has set as its main objectives the restoration of peace and security, the establishment of the political foundations for a lasting peace, the implementation of institutional reforms, the rehabilitation of infrastructure destroyed and the start of Burundi's social and economic reconstruction.

9. The Government is making resolute efforts to put an end to impunity by mounting investigations and instituting legal proceedings against persons accused of genocide, murder, massacres and various other offences.

10. The existing legal framework in Burundi includes provisions to further human rights. Decree-Law No. 01/001/96 of 13 September 1996 regulating the transitional institutional system solemnly declares, in article 4, that "the transitional institutions shall ensure respect for the rights and duties set forth and guaranteed by the Universal Declaration of Human Rights, the international human rights covenants and the Charter of National Unity", adopted by referendum on 5 February 1991.

11. Burundi has already ratified most of the general international human rights instruments, including the Universal Declaration of Human Rights, the international human rights covenants and the African Charter of Human and People's Rights. It has also signed and ratified ad hoc instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination.

12. The Civil Code, the Penal Code, the Personal and Family Code, the Labour Code and the Civil Service Statute, etc. enshrine the principle that all citizens are equal before the law.

13. Nevertheless, all the Government's efforts to protect human rights are being jeopardized or even annihilated by the blockade currently imposed by Burundi's neighbours. As a landlocked country, Burundi relies on its neighbours for land, sea and air transport of its imports and exports. The right of the population to health care, already sorely tried by three years of war, can no longer be guaranteed. Vaccination coverage, which was 80 per cent in 1992, will not exceed 30 per cent this year unless the blockade is lifted. Declining vaccination coverage, deficiencies in health care, malnutrition, problems with medical supplies, etc. are behind a rise in mortality dangerously compromising life expectancy. The right to education and teaching, to paid work and to housing can no longer be assured to the public's satisfaction.

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

A. General legal framework within which racial discrimination is prohibited

14. Decree-Law No. 1/001/96 of 13 September 1996 regulating the transitional institutional system is the centrepiece of the legal arsenal. It proclaims and guarantees the equality of all citizens before the law. It incorporates virtually all the principles set forth in the 1992 Constitution, which is currently suspended.

15. A broad-based Government incorporating all shades of political opinion in Burundi has been set up. For this reason, it has been named the "Government of national unity".

16. The Government includes a Ministry responsible for human rights. A National Centre for Human Rights has also been established.

17. A decree-law relating to the establishment, organization and running of the Abashingantahe Council has been signed, in order to provide the Government with guidance on all issues relating to national unity.

18. Acknowledgement of political pluralism, the ratification of numerous international human rights instruments and the introduction of legislation to determine the organizational structure of independent human rights organizations are all clear indicators of the Government's determination to promote and protect human rights in Burundi.

B. Information concerning articles 2 to 7

Article 2

A.1.

19. Article 180 of Burundi's Penal Code penalizes racial or ethnic discrimination and hatred. Article 5 of the Political Parties Act prohibits discrimination on ethnic grounds.

A.2.

20. The information provided in the previous paragraph is also relevant to this point.

A.3.

21. The law punishes racial hatred. As already mentioned, there are no races in Burundi. There is no legislative or administrative provision that institutes or perpetrates discrimination. Accordingly, the need to amend, abrogate or cancel inexisting provisions does not arise.

A.4.

22. As already mentioned in paragraph 19, article 5 of the Political Parties Act prohibits all forms of discrimination based on ethnic status. 1/

B.

23. As already mentioned in paragraph 5, in Burundi there are no racial groups as determined by the Convention; for this reason, no provision may be made for any special and concrete measures on behalf of such groups.

Article 3

A.

24. Burundi has ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention Against Apartheid in Sports.

1/ In Burundi, "ethnic group" refers to the Hutu, Tutsi and Twa components of the population.

B.

25. In view of political developments in the region the information requested in this paragraph is no longer required.

Article 4

A.1.

26. The Political Parties Act prohibits all forms of discrimination based on ethnic status (art. 5). Failure to comply with this provision constitutes an offence (art. 63).

A.3.

27. Article 9, paragraphs 1 and 2 of Decree-Law No. 1/001, of 13 September 1996 regulating the transitional institutional system lays down the principle that all people have equal dignity, rights and duties, without distinction on grounds of sex, origin, ethnic status, religion or opinion.

B.

28. The Government believes that there are no deficiencies that need to be made good in this area.

C.1.

29. The information requested has been provided in paragraph 26 above. An extract from the Penal Code, containing the text of the relevant provision, is provided in the annex to this report. 2/

C.2.

30. The information requested is irrelevant in view of the reform referred to in paragraph 29.

Article 5

A.

31. Article 113 of the Decree-Law regulating the transitional institutional system stipulates that "justice shall be handed down by the courts and tribunals throughout the territory of the Republic in the name of the people of Burundi".

2/ This extract from the Penal Code may be consulted at the secretariat of the Centre for Human Rights.

32. Article 9 of the same Decree-Law stipulates, moreover, that all people have equal dignity, rights and duties, without distinction on grounds of sex, origin, ethnic status, religion or opinion. All are equal before the law and are entitled, without distinction, to equal protection from the law.

33. Within the framework of the transitional Government's plan of action, the administration of justice is guided by the following principles: (a) strict enforcement of the principle of equality before the law, regardless of the social rank of the litigant; (b) respect for the rights of the defence; (c) a ban on taking the law into one's own hands and (d) respect for political opinions and convictions.

34. Courts and tribunals exist to dispense justice, in addition to the councils of distinguished persons (Act No. 1/004 of 14 July 1987, amending the Code of Judicial Organization and Jurisdiction).

B.

35. Article 5 of the Decree-Law regulating the transitional institutional system stipulates that "human beings are sacred and inviolable. It is a peremptory obligation for the State to respect and protect them".

36. An entire chapter of the Penal Code is dedicated to the penalization of breaches of individual liberty and the inviolability of the home. Articles 175-176 concern the inviolability of correspondence, while article 177 penalizes the disclosure of professional secrets. Articles 178 to 183 deal with injurious allegations and insults.

C.

37. Article 23 of the Decree-Law regulating the transitional institutional system contains the following provision: "All Burundians are entitled to participate, either directly, or indirectly through their representatives, in the running and management of the affairs of the State, subject to the conditions laid down by law, and in particular those relating to age and capacity. All Burundians are also entitled to hold public office in Burundi."

D.

38. Paragraph (d), (i) and (ii): the right to freedom of movement and residence within Burundi and the right to leave any country, including Burundi, and to return there are enshrined in articles 26 and 27 of Decree-Law No. 1/001 of 13 September 1996, regulating the transitional institutional system.

39. Paragraph (d), (iii): article 1 of Decree-Law No. 1/93 of 10 August 1971, clearly indicates how Burundian nationality is acquired and lost.

40. Paragraph (d), (iv): marriage is governed by Decree-Law No. 1/024 of 28 April 1993 (Personal and Family Code Reform Act). In addition, article 24 of the Act regulating the transitional period states that "the family is the natural group unit of society. Marriage is the legitimate foundation of the family. The family and marriage shall receive special protection from the State."

41. Paragraph (d), (v): article 21 of Decree-Law No. 1/001 of 13 September 1996 stipulates that "All persons shall be entitled to own property; exceptions to this right may be made in the public interest, in the circumstances and manner laid down by law and in return for fair and prior compensation, or by application of a legal decision having the authority of res judicata."

42. Paragraph (d), (vi): the drafting of legislation on succession and gifts is currently under consideration. Meanwhile, the issue is dealt with on the basis of custom and case law.

43. Paragraph (d), (vii): article 19 of the Decree-Law regulating the transitional institutional system stipulates that "all persons shall be entitled to freedom of thought, conscience, religion and worship, subject to respect for public order and the law". Moreover, Decree-Law No. 1/11 of 18 April 1992 (non-profit-making associations, organization Act) details the implementation of this provision.

44. Paragraph (d), (viii): Decree-Law No. 1/39 of 28 November 1992 regulating the press in Burundi recognizes the right to freedom of opinion and expression.

45. Paragraph (d), (ix): article 22 of the Decree-Law regulating the transitional institutional system stipulates that "freedom of peaceful assembly and association is guaranteed under the conditions set by law". Decree-Law No. 100/187/91 of 31 December 1991, regulating public demonstrations and meetings, specifies the conditions governing the application of this right.

E.

46. Paragraph (e), (i): The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work and to just and favourable remuneration are recognized by Burundian legislation: articles 27 and 28 of the Decree-Law regulating the transitional institutional system and Decree-Law No. 1/037 of 7 July 1993, Labour Code Reform Act.

47. Paragraph (e), (ii): The right to form and join trade unions is recognized by Burundian legislation: Decree-Law No. 1/001, of 13 September 1996 (art. 2), Decree-Law No. 1/037 of 7 July 1993 and Decree-Law No. 1/029 of 11 May 1993, ratifying International Labour Organisation Convention No. 87, concerning Freedom of Association and Protection of the Right to Organise.

48. Paragraph (e), (iii): Before the crisis which gripped Burundi, the State's main concern had always been to improve housing. Specialized institutions have been set up in urban and rural areas to finance and organize the construction of decent housing: (the Société immobilière publique (urbain), the Société de financement de l'habitat en milieu rural, the Développement urbain de Bujumbura, the Fonds de promotion de l'habitat urbain and the Entreprise de construction et d'aménagement de terrain). Unfortunately, the social and political upheavals of the last three years have caused the large-scale destruction of housing in both rural and urban areas, entailing a considerable population displacement and the appearance of camps for displaced persons.

49. Paragraph (e), (iv): Hospitals, health centres and dispensaries are open to all without distinction. Unfortunately, since the beginning of the civil war, the health infrastructure has been partially or entirely destroyed by armed gangs. As a result, a significant proportion of the population is without access to health care.

50. Before the onset of the crisis, vaccination coverage extended to 80 per cent of Burundi. Nowadays, it is probably no more than 40 per cent. The Government has recently redeployed doctors throughout Burundi in an attempt to provide treatment for as many inhabitants as possible. Unfortunately, the consequences of the war are exacerbated by the blockade imposed by the neighbouring countries. These unjust and illegal sanctions, which are contrary to international law, jeopardize all the Government's efforts to care for the population.

51. As a result of malnutrition, the shortage of medicines and vaccines and poor living conditions in the camps for displaced persons and refugees, the mortality rate has increased. For example, the infant mortality rate rose from 110 per 1,000 to 132 per 1,000 at the beginning of 1994. Consequently, the right to health is no longer assured in Burundi.

52. Paragraph (e), (v): article 26 of the Decree Law regulating the transitional institutional system states that "all citizens are entitled to equal access to training, education and culture".

53. Paragraph (e), (vi): in Burundi there are no restrictions on the right to participation in cultural activities.

F.

54. There are no restrictions of any kind on the exercise of the right of access to any place or service intended for use by the general public.

Article 6

A.

55. The protection and remedies available from the courts and other competent State bodies against any act of racial discrimination that violates

individual rights and basic freedoms are assured in Burundi. The following mechanisms exist for this purpose: Decree Law No. 1/001 of 13 September 1996 (arts. 10 and 33), Act No. 1/004 of 14 July 1987 amending the Code of Judicial Organization and Jurisdiction, the Code of Civil Procedure and Decree Law No. 1/103 of 29 August 1979, Members of the Legal Profession (General Regulations) Act.

B.

56. Articles 258 et seq. of book III of the Burundian Civil Code provide for compensation for any damage caused by a third party.

57. The Government of Burundi is aware of no cases of racial discrimination that have been brought before the Burundian courts.

Article 7

A.

58. The transitional Government's plan of action makes provision to strengthen activities to educate people for peace, tolerance and respect for human rights. These actions are implemented at all levels of the educational system, as well as through campaigns to develop awareness and to foster among the general public the ideal of national unity and peaceful coexistence.

59. The ministerial departments concerned are developing a wide-ranging programme to teach citizenship and morals in order to foster respect for human rights, tolerance and understanding among all the components of the population.

60. At the same time, a protracted and thorough dialogue has been conducted as part of the national debate, in order to gather proposals for solutions to Burundi's basic problems from every citizen.

B.

61. The Government has entrusted the Ministry of Youth, Sport and Culture, in collaboration with the Ministry responsible for human rights, with the task of developing a sense of tolerance and respect for human rights and fundamental freedoms among the country's youth.

62. A national centre for the promotion of human rights has also been set up for the same purpose. The Government encourages the establishment of independent leagues and associations for the promotion and protection of human rights.

63. Each year Burundi celebrates the anniversary of the Universal Declaration of Human Rights, and the anniversary of the adoption of the African Charter of Human and People's Rights.

C.

64. Decree-Law No. 1/39 of 26 November 1992, regulating the press in Burundi, made provision for a national media council, whose responsibilities include, inter alia, ensuring that both the public and private media propagate messages of tolerance and peace.

Conclusion

65. The Government of Burundi reiterates its attachment to human rights, justice, peace and development.

66. The Government of Burundi is committed to taking further legislative, legal and administrative measures to combat all forms of discrimination so as to ensure dignity and equality among its citizens.